

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

The Andhra Pradesh Protection of Depositors of Financial Establishment Act, 1999 (Act No.17 of 1999)-Releasing of seized movable and immovable properties standing in the names of Managing Director & Directors of M/s. Vahini Finance and Chit Fund (Private) Limited, Mahabubnagar from the attachment orders issued under section 3 of the Andhra Pradesh Protection of Depositors of Financial Establishment Act, 1999 (Act No.17 of 1999) Orders – Issued.

HOME (GENERAL . B) DEPARTMENT

G.O.Ms.No.141

Dated:08-08-2012

Read the following:-

1. G.O.Ms.No.172, Home(Genl.B)Dept., dt.26-06-2003.
2. The Court of the Sessions Judge, MBNR, order dt.15-04-2005, in CrI.M.P.No.260/2005.
3. From the Director, M/s.Vahini Finance & Chit Funds (Pvt.)Ltd., MBNR, representation dt.16-08-2008, subsequent representations.
4. Govt.Memo.No.30384/Genl.B/A2/2008-1,dt.10-10-2008 subsequent reminders thereon.
5. The Hon'ble Court of District Sessions Judge, MBNR, orders dt.10-04-2008 in CrI.M.P.No.408/08 in CC No.1/2005.
6. From the Spl. Public Prosecutor, Spl.Court, Andhra Pradesh Protection of Depositors of Financial Establishment Act, MBNR letter dt.07-11-2008.
7. From Collector & Competent Authority, MBNR, Lr.No.C1/2739/2004, dt.13-04-2012.

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ORDER:

Whereas, in the G.O.1st read above, orders were issued passing an ad-interim order under section 3 of the Andhra Pradesh Protection of Depositors of Financial Establishment Act, 1999 (Act No.17 of 1999) for attachment of the properties standing in the names of the Managing Director and Directors of M/s. Vahini Finance and Chit Fund (P) Limited, Mahabubnagar and directed the Collector and Competent Authority, Mahabubnagar, to take necessary steps as per the said Act;

2. And whereas, in CrI.M.P.No.260/2005, dated.15-04-2005 the Hon'ble Sessions Judge, Mahabubnagar, passed orders making it absolute the ad-interim orders issued by the Government in the G.O.1st read above for attachment of movable and immovable properties standing in names of the Managing Director and Directors, M/s.Vahini Finance and Chit Fund (P) Limited, Mahabubnagar and directed the Collector and Competent Authority
(PTO)

to verify as to whether their disbursed amount were already paid or not, and if already paid they be excluded from the scheme of equitable distribution, if they were not paid previously, they are also entitled for amount along with other list of depositors;

3. And whereas, in the letter 3rd read above, the Managing Director and Directors of M/s Vahini Finance and Chit Fund (P) Limited, Mahabubnagar District have made several representations to the Government to release their seized properties from the attachment order issued in G.O.Ms.No.172, Home (General.B) Department, dated: 26.6.2003. Accordingly, the Collector and Competent Authority, Mahabunagar was requested to furnish his report on the request of the Directors of the said establishment. The District Collector, Mahabubnagar has not furnished sufficient report to the Government and again he has requested to arrange for recovery of balance amount of Rs.5,59,696/- (Rupees Five lakh fifty nine thousand six hundred and ninety six only) payable to the Depositors of M/s Vahini Finance and Chit Fund (P) Limited, Mahabubnagar, in the first instant, before property for release of the seized in respect of the Managing Director and Directors of the said firm from the attachment orders issued in the G.O.172, Home (Genl.B) Deptt. Dt: 26.6.2003 and furnish the action taken report to Government.

4. And whereas, in CrI.M.P.No.408/2008 in C.C.No.1 of 2005, dated.10-04-2008, the Court of District & Sessions Judge, Mahabubnagar have passed orders discharging the offence under section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishment Act, 1999 against the Managing Director and Directors of M/s Vahini Finance and Chit Fund (P) Limited, Mahabubnagar, as the said section do not apply against them;

5. And whereas, in the letter 6th read above, the Special Public Prosecutor, Special Court for the Andhra Pradesh Protection of Depositors of Financial Establishment Act, 1999 Mahabubnagar, has opined that the Special Court (Sessions Court) under the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 Mahabubnagar vide Cr.M.P.No.408/08 in CC No.1/05 in Cr.No.1/03 discharged the accused persons for the offence under section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishment Act, 1999 on 10-04-2008 and held that prior to amendment 2003 effected on 10-11-2003 against the registered companies like M/s.Vahini Finance and Chit Fund (P) Limited, section 5 of the said act is not applicable. The said CC No.1/05 in Cr.No.1/03 with other offences compounded in Lok Adalat (District Legal Services Authority) Mahabubnagar. Besides this it is learnt through affidavits of depositors that they have received the due amounts from M/s. Vahini Finance and Chit Fund (P) Limited, Mahaboobnagar have no claims against it now and recommended the properties seized under section 5 of

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the Andhra Pradesh Protection of Depositors of Financial Establishment Act, 1999 in CC No.1/05 in CrI.No.1/03 can be released by the authority, if not required in other cases;

6. And whereas, in the letter 7th read above, the Collector and Competent Authority has reported that the entire amount of Rs.5,59,696 (Rupees Five lakh fifty nine thousand six hundred and ninety six only) reported to be settled/payable by the Managing Director and Directors of M/s. Vahini Finance and Chit Fund Private Limited, Mahabubnagar, to the depositors of the said firm has been settled and requested the Government to issue necessary orders to release the seized properties of the Managing Director and Directors of the said firm from the attachment orders issued in the G.O. read above;

7. Now therefore, in the circumstances reported by the Collector and Competent Authority, Mahabubnagar and keeping in view the orders of the Court of District and Sessions Judge, Mahabubnagar in CrI M.P.No.408/2008 in C.C.No.1 of 2005, dated:10-04-2008, Government after careful examination of the matter hereby release the seized movable and immovable properties standing in the names of the Managing Director and Directors, M/s. Vahini Finance and Chit Fund Private Limited, Mahabubnagar from the attachment orders issued in G.O.Ms.No.172, Home(Genl.B)Department, dated.26-06-2003, under section 3 of the Andhra Pradesh Protection of Depositors of Financial Establishment Act, 1999 (Act No.17 of 1999).

8. The District Collector and Competent Authority, Mahabubnagar is requested to take necessary action accordingly.

9. Copy of this order is available on Internet and can be accessed at website <http://www.ap.gov.in/goir>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. CHAYA RATAN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The District Collector & Competent Authority, Mahabubnagar.

Copy To:

The Director General and Inspector General of Police,
Andhra Pradesh, Hyderabad.

The concerned through the Collector & Competent Authority,
Mahabubnagar.

The Law (F) Department.

P.S. to Special Chief Secretary to Government, Home Department.

The P.S.to Minister for Home.

The SF/SC.

//FORWARDED:BY ORDER//

SECTION OFFICER.